

CLAIM OF: **JOSHUA M. DRAKE**  
2414 Melinda Drive  
Atlanta, Georgia 30345

For damages alleged to have been sustained as a result of a vehicular accident on June 15, 2000 at 7 Lenox Pointe.

BY: PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **JOSHUA M. DRAKE** the sum of **\$818.37** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular accident on June 15, 2000 at 7 Lenox Pointe is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**ADOPTED BY**  
**JUL 17 2000**  
**COUNCIL**

**FAVORABLE REPORT**  
COM. *Public Safety*

DATE *7/11/2000*  
CHA. *C.T. Martin*

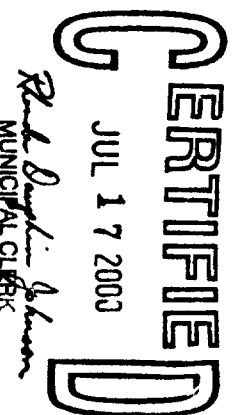
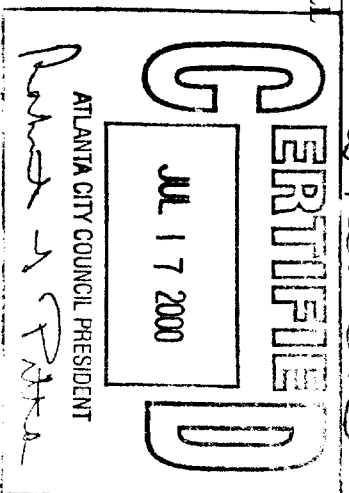
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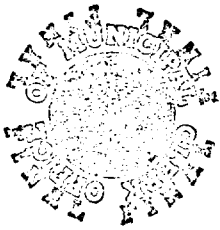
**CONSENT AGENDA**

**APPROVED**

**JUL 26 2000**

WITHOUT SIGNATURE  
BY OPERATION OF LAW





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1052**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Joshua M. Drake** in the sum of **\$818.37** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on June 15, 2000 at 7 Lenox Pointe** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403**

JULY 17, 2000

JULY 26, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0386

Date: June 29, 2000

Claimant /Victim JOSHUA M. DRAKE  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2414 Melinda Drive, Atlanta, Georgia 30345  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 964.85 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 3/23/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 6/15/00 Place: 7 Lenox Pointe  
Department POLICE Division \_\_\_\_\_  
Employee involved Peter Brownlowe Disciplinary Action: None

NATURE OF CLAIM: Claimant's parked vehicle sustained damage when it was side-swipped by a city police vehicle.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

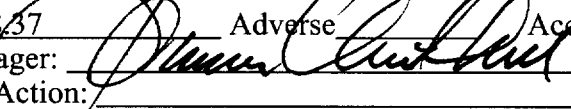
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 818.37 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06-29-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED JUN 23 2000  
RE: CLAIM FOR DAMAGES

Today's Date: \_\_\_\_\_

ENTERED - 6-23-00 - SB  
00L0386 - GWEN BURNS

HB  
BURNS  
06/26/00  
Dr

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 964.85 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: JUNE / 15 / 2000 2. Time of Incident: 11:40 AM 3. Police called: X  
(month/day/year) Yes No

4. Location of incident (including street address): 7 LENOX PT

5. Name of your insurance company: ALLSTATE Policy No. 4TP90300 1032351

6. State what and how incident occurred: OFFICER WAS BACKING OUT OF PARKING AREA AND SIDESWIPE THE REAR RIGHT AREA OF MY VEHICLE.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: VOLKSWAGEN 2000 JOSHUA DRAKE  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: FORD PETER BROWNIKE CITY OF ATLANTA POLICE  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: STEF CAMPBELL PO BOX 1894 LAWRENCEVILLE, GA. 30046 770-963-2626  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

JOSHUA M DRAKE  
(Print Claimant's Name)

2414 MELINDA DR  
(Address)

ATLANTA, GA. 30345  
(City, State and Zip Code)

678-584-5760  
(Work Number)

404 321 4177  
(Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 00L0386

\$ 818.37

IN CONSIDERATION of the sum of EIGHT HUNDRED EIGHTEEN DOLLARS AND 37/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Peter Brownlowe from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 15th day of June, 2000, at or near 7 Lenox Point.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 23 day of JUNE, 2000.

JOSHUA M. DRAKE (LS)

\_\_\_\_\_  
(LS)

The above release was read and explained to, and signed by the said Joshua M. Drake in our presence on the date above written.

Gwendolyn Brown  
Sherry Butler  
WITNESSES

00- R -1052